

SENATE BILL 196
By Cooper

AN ACT to amend Tennessee Code Annotated, Section 7-82-307,
relative to utility districts.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 7-82-307, is amended by deleting subsection (ff) in its entirety and by substituting instead the following:

(ff)(1) Notwithstanding the provisions of this section or any other law to the contrary, any utility district, which has a service area that lies primarily within a county having a population of not less than thirty-four thousand five hundred (34,500) nor more than thirty-four thousand seven hundred thirty (34,730), according to the 1990 federal census or any subsequent federal census, shall be governed by a five (5) member board of commissioners. Except as otherwise provided in this subsection, the members of such board shall be elected by the customers of the district at the annual meeting of the utility district. As used in this subsection, "customer" means any individual or entity who receives bills from the utility district, pays money for such services and resides or operates within the boundaries of the district. Each individual or entity shall be limited to one (1) vote.

(2) The three (3) members serving on the board of commissioners on April 14, 1994 shall continue to serve until the expiration of their terms or until a vacancy occurs. Their successors shall be elected for a four (4) year term. The two (2) additional members elected pursuant to this subsection shall serve initially for three (3) and four (4) years. Thereafter their

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terms shall be for four (4) years. No member shall serve for more than two (2) consecutive terms.

(3) On or before June 13, 1994, the existing board of commissioners shall call a special meeting for the purpose of filling the two (2) newly created positions on the board. The procedure for filling these positions shall be the same as for filling vacancies, as set forth in this subsection.

(4) If the district serves residents of more than one (1) county, there shall be one (1) commissioner elected from each county having thirty (30) or more customers. The remaining commissioners shall be elected from the county in which the principal office is located.

(5) Any vacancy on the board due to the expiration of a term shall be filled as follows:

The board of commissioners of the utility district shall set a nominating meeting, give proper notice thereof, and hold such meeting to allow nominations to take place at the proper time. At the meeting, nominations shall be made from the floor by the customers in attendance. A nominee must be a customer and must be a resident of the county in which the vacancy occurs. Other nominees may be placed on the ballot by submitting, twenty (20) days prior to the election, a nominating petition signed by not less than ten (10) customers. Write-in votes for unlisted candidates will also be considered. Vacancies shall be filled by a plurality of the votes cast for each seat by customers present and voting at the annual meeting.

(6) At least forty (40) days prior to the election, the incumbent commissioners of the utility district shall mail written notice of such meeting and election to all customers and shall list any vacancies to be filled. In the event the commissioners fail to set the date for the meeting, or fail to mail notice of such meeting, or fail to hold such meeting, or fail to hold the election, the county executive shall cause such things to be done upon petition of any twenty (20) customers of the district.

(7) Vacancies occurring on the board of commissioners created by death, resignation, disability, ouster or forfeiture of office, shall be filled by the remaining commissioners, until the next annual meeting, at which time the vacancy shall be filled by the customers.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.